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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/671,798

09/29/2003

Armin Meisl

337133-00010

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27160 7590 02/13/2008  
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EXAMINER

PEZZLO, JOHN

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

02/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/671,798 | <b>Applicant(s)</b><br>MEISL ET AL. |  |
|                              | <b>Examiner</b><br>John Pezzlo       | <b>Art Unit</b><br>2619             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7, and 11-16 is/are rejected.
- 7) ☒ Claim(s) 9,10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/16/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- I. Claims 1-5, 7, and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Rueger et al. (US 2004/0053629 A1) hereinafter Rueger.
1. Regarding claims 1 and 5 and 11 – Rueger discloses at least one external short message entity (ESME) (Figure 1 - ESME1), at least one short message service center (SMSC)(Figure 1 – SC1), a universal message gateway (Figure 2 – WAMS) including a first common interface for connecting to said at least one ESME and a second common interface for connecting to said at least one SMSC, said universal message gateway further including a home location register module and a mobile switching center module, said home location register module and said mobile switching center module being configured to receive short message service traffic from said at least one SMSC, and said universal message gateway (Figure 2 – WAMS) being

configured to direct said short message service traffic to a virtual mobile station address associated with said at least one ESME, refer to Figures 1 and 2 and 5 and 9 and paragraphs [0011], [0024], [0048] to [0052], [0054] to [0076], [0092] to [0105], and [0115].

2. Regarding claim 2 – Rueger discloses a plurality of SMSCs wherein at least two of said SMSCs are disparate in design, refer to Figures 1 and 2 and paragraphs [0044] to [0076].

3. Regarding claim 3 – Rueger discloses wherein at least one of said SMSCs sends domestic network originated telecommunications messaging traffic (from the mobiles) to said universal message gateway and another one of said SMSCs sends foreign network originated telecommunications messaging traffic (from the ESME) to said universal message gateway, refer to Figures 1 and 2 and paragraphs [0044] to [0076].

4. Regarding claim 4 – Rueger discloses telecommunications messaging traffic includes at least one of Multi-Media traffic, interactive and/or synchronous mobile text, and short message service traffic, refer to Figures 1 and 2 and 5 and paragraphs [0011], [0024], [0048] to [0052], [0054] to [0076], [0092] to [0105], [0113], [0121], [0122], and [0137].

5. Regarding claim 7 – Rueger discloses said first common interface includes a first receiver manager which interacts with said ESME, and said second common interface includes a second receiver manager which interacts with said SMSCs, refer to Figures 1 and 2 and 5 and paragraphs [0011], [0024], [0048] to [0052], [0054] to [0076], and [0092] to [0105].

6. Regarding claim 12 – Rueger discloses said at least one ESME is associated with an application service provider (ASP), refer to Figures 1 and 2 and 5 and paragraphs [0011], [0024], [0048] to [0052], [0054] to [0076], and [0092] to [0105].
7. Regarding claim 13 – Rueger discloses said telecommunications messaging traffic is routed to said at least one ESME within at least one of parameter selected from the group consisting of SMSC Connection ID, Termination TON/NPI/MSISDN, Origination TON/NPI/MSISDN, protocol I D, data coding scheme, and SMSC address, refer to Figures 1 and 2 and 5 and paragraphs [0011], [0024], [0048] to [0052], [0054] to [0076], and [0092] to [0105].
8. Regarding claim 14 – Rueger discloses said first common interface is based on the short message peer to peer (SMPP) protocol, refer to Figures 1 and 2 and 5 and paragraphs [0011], [0024], [0048] to [0052], [0054] to [0076], [0092] to [0105], [0121], and [0122].
9. Regarding claim 15 – Rueger discloses said routing engine is further configured to perform at least one of a throttling function, a queuing function, and a buffering function, refer to Figures 1 and 2 and 5 and 7 and 12 and paragraphs [0011], [0024], [0048] to [0052], [0054] to [0076], [0092] to [0105], and [0137] to [0140].

10. Regarding claim 16 – Rueger discloses an SMS reply server configured to generate a response message to confirm a successful delivery of a message to said at least one ESME, refer to Figures 8-12 and paragraphs [0114] to [0141].

***Allowable Subject Matter***

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-5, 7, and 11-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

Application/Control Number:  
10/671,798  
Art Unit: 2619

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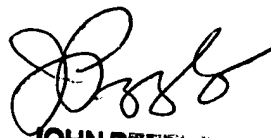
2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

3 February 2008



**JOHN PEZZLO**  
**PRIMARY EXAMINER**